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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 TERYL A. WILLIAMS,

14 Petitioner,

15 v.

16 D.K. SISTO, Warden,

17 Respondent.
18

C 0-05342 CW (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION TO
FILE BRIEF IN EXCESS OF
TWENTY-FIVE PAGES**

19 I, BRUCE ORTEGA, declare under penalty of perjury as follows:

20 I am the California Deputy Attorney General assigned to represent respondent in this case. Rule
21 2254-1 of the Habeas Corpus Local Rules of the United States District Court for the Northern
22 District of California states that the "Civil Local Rules of this Court are also applicable in these
23 proceedings." Civil Local Rule 7-4(b) states that all "briefs or memoranda filed with opposition
24 papers shall not exceed 25 pages of text" unless "the court expressly orders otherwise pursuant to
25 request made prior to the due date."

26 Respondent respectfully moves this Court for an order granting permission to file a
27 Memorandum of Points and Authorities in Support of the Answer to the Order to Show Cause in
28 excess of the 25-page limitation set forth in Civil Local Rule 7-4(b) of the USDC-Northern District

Rules of Court. For the following reasons, Respondent seeks to file a Memorandum that is 30 pages long.

First, Petitioner's federal habeas petition raises six separate claims for relief. A proper response to almost all of these contentions requires more than a cursory factual and legal discussion. Indeed, one of Petitioner's claims is procedurally defaulted, one fails to raise a federal question, and another is barred by the *Stone v. Powell*, 428 U.S. 465 (1976) prohibition against litigation of Fourth Amendment claims on federal habeas. Furthermore, a proper refutation of Petitioner's claims often requires extensive quotation from the state court record.

Second, we have also included a Statement of Facts concerning Petitioner's crime, as it provides a necessary factual background to at least one of petitioner's claims.

Lastly, by our 30-page pleading we are seeking to give this Court, as best we can, one document to use in its resolution of this case, rather than a document which requires this Court to constantly refer to the other documents "referenced" or "incorporated by reference."

Accordingly, I request that the Court grant respondent permission to file a 30-page Memorandum of Points and Authorities in Support of the Answer to the Order to Show Cause.

I declare under penalty of perjury of the laws of the State of California and the United States of America that the foregoing is true and correct. Executed at San Francisco, California on March 22, 2008.

/s/ Bruce Ortega

BRUCE ORTEGA
Deputy Attorney General

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3/22/08

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Williams v. Sisto*
No.: C 07-05342 CW

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On March 24, 2008, I served the attached

ANSWER TO THE ORDER TO SHOW CAUSE;

APPLICATION TO FILE BRIEF IN EXCESS OF TWENTY-FIVE PAGES; DECLARATION OF
COUNSEL IN SUPPORT OF APPLICATION TO FILE BRIEF IN EXCESS OF TWENTY-FIVE PAGES;
[PROPOSED] ORDER;

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE ANSWER TO THE ORDER
TO SHOW CAUSE;

NOTICE OF LODGING AND INDEX OF EXHIBITS

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid,
in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate
Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Teryl A. Williams
V-11316
California State Prison Solano
P.O. Box 4000
Vacaville, CA 95696-4000
(With Exhibits)

I declare under penalty of perjury under the laws of the State of California the foregoing is true
and correct and that this declaration was executed on March 24, 2008, at San Francisco,
California.

J. Hum

Declarant


Signature